

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF FLAGSTAFF, hereinafter called "CITY".

WHEREAS, the State is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE:

WHEREAS, the City is empowered by A.R.S. Section 9-672 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said City.

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall include but not be limited to the modification of the traffic signals at the following location:

On US 66 at Fanning Drive, Project #M-951-6-905

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

NO. 10111..
FILED WITH SECRETARY OF STATE
Date Filed, 3-6-85
<i>[Signature]</i>
Secretary of State

1. The CITY shall advertise for bids and award a contract for the modification of the traffic signals on US 66 at Fanning Drive.

2. The STATE, upon completion of the work shall reimburse the City for 50% of the final construction and engineering costs at \$20,000, not to exceed \$10,000 for its share of the cost of this work.

3. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

4. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to Arizona Revised Statutes Section 38-511.

5. This Agreement shall be filed with the Secretary of State and shall become effective upon its being filed with the Secretary of State.


6. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY: 
Chief Deputy State Engineer

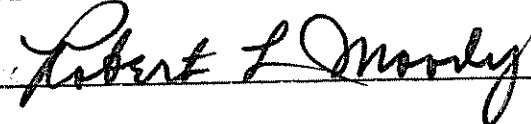
DATE: 1-31-85

ATTEST:


City Clerk

Date: 12-18-84

CITY OF FLAGSTAFF

BY: 

TITLE: Mayor

DATE: 12-18-84

EXHIBIT "B"

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the CITY OF FLAGSTAFF, and declare the agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 18th day of December, 1984.

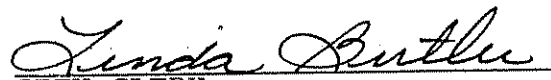
CITY OF FLAGSTAFF

BY: Joseph R. Bachelder
City Attorney

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true and correct copy of an extract of the Minutes of the Flagstaff City Council Meeting, held December 18, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 28th day of January, 1985.


CITY CLERK

(SEAL)

Councilmember Darden asked how much the cost would be for the formulation of the rebid specifications. If there is \$3,000 available and the bids come in at \$2,200, would the cost for the rebid process be included?

The City Manager answered that it would require only a few hours of specification changing and readvertising, which would probably amount to \$200 or \$300.

The motion unanimously carried.

Consideration of Bids - for Two Tamper Compactors:

Recommended Action: Accept the low responsive bid of Sunstate Equipment on the purchase of two tamper compactors for a total price of \$4,158.60 with delivery to be within 14 days after receipt of the Purchase Order.

Councilmember Bavasi moved to accept the recommended action. Councilmember Loven seconded the motion, which unanimously carried.

CONTRACTS, LEASES AND AGREEMENTS:

Consideration of Intergovernmental Agreement - with State of Arizona - Re: Fanning Drive Traffic Signal Modification:

Recommended Action: Authorize the Mayor to execute the necessary documents committing the City to 50% of the final construction costs, which are estimated to be \$20,000.00.

A motion was made by Councilmember Bavasi and seconded by Councilmember Loven to accept the recommended action. The motion unanimously carried.

Consideration of Cost and Maintenance Agreement with Santa Fe Railway - Re: Fanning Drive Railroad Crossing:

Recommended Action: Authorize the Mayor to execute the necessary documents and further authorize payment to Santa Fe Railway in the amount of \$181,297.80 which is 90% of the City's share of the estimated railroad related construction.

It was moved by Councilmember Bavasi and seconded by Councilmember Loven to accept the recommended action. The motion unanimously carried.

BOARDS AND COMMISSIONS:

Consideration of Traffic Regulation No. 8452 - Change of Speed Limit on Turquoise Drive:

Recommended Action: Adopt Traffic Regulation No. 8452.

A motion was made by Councilmember Darden and seconded by Councilmember Loven to accept the recommended action.

Mr. Jerry Payne, 950 Turquoise Drive, appeared representing the homeowners on Turquoise who are opposed to the recommendation. The lots are very steep along Turquoise, there are no sidewalks, and it is very dangerous for the kids who play along the road. It would be unwise to raise the speed limit, particularly with South Milton and areas of the main streets through town being 30 mph, of a residential street to 35 mph. The residents don't want this to happen and consider it a very dangerous thing to do. There are a lot of citations issued in the area, but that isn't a reason to change it. Following that reasoning, if there are a lot of DWIs, then drunk driving ought to be made legal. The police do write a lot of tickets in the area, but the residents along the street don't want this to be raised but left as a residential 25 mph zone.

Project #M-951-6-905

US 66 at Fanning Drive - Flagstaff - MP 199.96

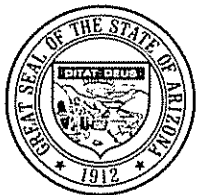
RESOLUTION

BE IT RESOLVED on this 3rd day of December, 1984,
that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF
TRANSPORTATION, have determined that it is in the best
interests of the State of Arizona that the DEPARTMENT OF
TRANSPORTATION, acting by and through the Highways Division,
enter into an Intergovernmental Agreement with the City of
Flagstaff to modify the existing traffic signal to accommo-
date intersection modification. The State will share in 50%
of the construction cost of signal modification but not to
exceed \$10,000.00.

THEREFORE, authorization is hereby given to draft said Agree-
ment which, upon completion, shall be submitted for approval
and execution by the Chief Deputy State Engineer.



W. A. ORDWAY, Director
ARIZONA DEPARTMENT OF TRANSPORTATION



BRUCE BABBITT
Governor
WILLIAM A. ORDWAY
Director

ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAYS DIVISION

206 South Seventeenth Avenue Phoenix, Arizona 85007

March 8, 1985

CHARLES L. MILLER
State Engineer

Reid Penland, R.L.S.
City of Flagstaff
211 West Aspen Ave.
Flagstaff, Arizona 86001

Re: Construction Intergovernmental Agreement

Dear Mr. Penland:

Transmitted herewith is a copy of the referenced agreement, which has been executed.

You will note the effective date of filing with the Secretary of State is March 6, 1985.

Yours very truly,

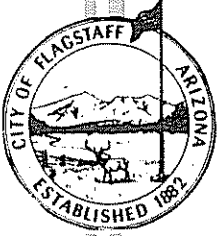
CARLIE BOWMER
Assistant State Engineer
Traffic Engineering Section

CB:mm

Attachment as indicated

cc: ✓ E.F. Gentsch
✓ D.R. Olivarez
Federal Aid
Contract Section (original)





City of Flagstaff

January 25, 1985

Carlie Bowmer, P.E.
Assistant State Engineer
Traffic Engineering Section
206 S. 17th Avenue
Phoenix, AZ 85007

RE: CONSTRUCTION INTERGOVERNMENTAL AGREEMENT

Transmitted herewith is the executed original and executed copy of the proposed Construction Agreement between the State of Arizona and the City of Flagstaff for the traffic signal modifications. To be incorporated in the Agreement as Exhibit "A", we are also transmitting a certified copy of the minutes of the City Council meeting of 12/18/84 which formally authorized the Mayor to execute the Agreement for this project.

As can be seen, the City Attorney's determination - Exhibit "B" - has also been signed.

Reid Penland, R.L.S.

RP:bw



OFFICE OF THE
Attorney General

TRANSPORTATION DIVISION
1275 WEST WASHINGTON
PHOENIX, ARIZONA 85007
(602) 255-1680

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 85-079, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. Sec. 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 8th day of February, 1984.

ROBERT K. CORBIN
Attorney General

[Signature]
Assistant Attorney General
Transportation Division